

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X		
GALBRAITH & PAUL, INC.,	:	
Plaintiff,	:	Civil Action No.
	:	
v.	:	
	:	
FABRICUT, INC., and JOHN DOE	:	
ENTITIES 1 THROUGH 10,	:	
Defendants.	:	(JURY DEMANDED)
-----X		

COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff Galbraith & Paul, Inc., by its attorneys, for its Complaint against Fabricut, Inc. and John Doe Entities 1 through 10, whose identities are currently unknown, alleges as follows:

SUMMARY OF ACTION

1. Plaintiff Galbraith & Paul, Inc., ("Galbraith & Paul") has valid, registered copyright rights in its well-known "Lotus" design for fabric.
2. Defendant Fabricut, Inc. ("Fabricut") has caused the manufacture of, imported, distributed, displayed, offered for sale and/or sold, without permission and for its own benefit, unauthorized reproductions of Plaintiff's Lotus design, and the same may be deemed counterfeits.
3. John Doe Entities 1 through 10 purchased the unauthorized reproductions of Plaintiff's Lotus design from Fabricut, and distributed, displayed, offered for sale and/or sold, without permission and for their own benefit, such unauthorized

reproductions to consumers, interior designers, and others in the design trade.

4. Defendants' intentional violations of Galbraith & Paul's copyright require an imposition of copyright damages and an injunction against such continued violations.

JURISDICTION AND VENUE

5. This complaint alleges causes of action for copyright infringement under the Copyright Laws of the United States, 17 U.S.C. §101 et seq.

6. The Court has subject matter jurisdiction over the United States copyright claims in this action pursuant to 28 U.S.C. §1331.

7. Defendant Fabricut markets and sells its goods in a showroom located at 979 Third Avenue, Suite 915, New York, New York 10022. Accordingly, venue is proper in this judicial district pursuant to 28 U.S.C. §§1391(b)-(d), and §1400(a)-(b).

PARTIES

8. Plaintiff Galbraith & Paul is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, with an address of 116 Shurs Lane, Philadelphia, PA 19127.

9. Galbraith & Paul is a well-known designer and manufacturer of original high-end textile products, and its products are sold throughout the United States and the world. Galbraith & Paul conducts a significant amount of its business in this judicial district. Further, this District is highly regarded as a center of the fabric design and interior design industries.

10. On information and belief, Defendant Fabricut is a corporation organized and existing under the laws of the State of Oklahoma, has a principal place of business at 9303 E. 46th St., Tulsa, OK 74145, and is engaged in the wholesale textile business, including selling textiles generally into the United States and specifically into this judicial district, including through design showrooms located within this judicial district.

11. Defendants John Doe Entities 1 through 10, whose identities are currently unknown, are corporations, limited liability companies or other legal entities, and/or individuals who have purchased the fabric at issue in this litigation from Defendant Fabricut and distributed, displayed, offered for sale and/or sold such fabric to consumers, interior designers, and others in the trade.

COUNT I

(United States Copyright Infringement by Defendant Fabricut)

12. Plaintiff realleges Paragraphs 1 through 11 as if fully set forth herein.

13. This cause of action arises under the Copyright Laws of the United States, Title 17 U.S.C. § 101 et seq.

14. Galbraith & Paul is well known and highly regarded in the design field for its design exclusivity; Galbraith & Paul's fabrics are not available in the mass-market and are purchased primarily through design showrooms. Galbraith & Paul's customer base know that its original designs are exclusive to Galbraith & Paul.

15. Galbraith & Paul's most popular and publicized design is its Lotus design. The Galbraith & Paul Lotus design is wholly original and is copyrightable under the Copyright Laws of the United States, 17 U.S.C. §101 et seq.

16. Galbraith & Paul has previously duly complied with the provisions of the Copyright Laws of the United States, and has secured rights and privileges in and to the Lotus design, and has obtained from the Register of the Copyrights a Certificate of Registration pertaining to said design, identified as "Lotus", Copyright Registration No. 1-827-880, and registered on March 28, 2012. A copy of this Certificate of Copyright Registration is attached hereto as **Exhibit A**. In addition, a copy of Plaintiff's Lotus design is attached hereto as **Exhibit B**.

17. Plaintiff's Lotus design is well known in the marketplace and has appeared on the Galbraith & Paul website, <www.galbraithandpaul.com>, continuously since 2012.

18. This design has also been featured on Galbraith & Paul's Facebook, Instagram, and Pinterest pages since that time. Galbraith & Paul's Instagram account, for example, has over 7,000 followers, all of whom are obviously interested in the high-end interior design field.

19. Galbraith & Paul has 6000 subscribers to its email mailing list who receive regular emails which regularly feature the Lotus design in different colorways and on multiple applications. Galbraith & Paul also use the Lotus design on its marketing materials, including postcards and brochures, distributed through its design showroom partners. See **Exhibit C**.

20. The Lotus design has also been featured on the websites of its design showroom partners including Holland & Sherry and Thomas Lavin, as shown in **Exhibit D**, and has been on display at high-end and specialty retailer showrooms to the trade throughout the United States and internationally.

21. Pictures of Lotus in various design contexts have continuously appeared in shelter and design magazines including House Beautiful, House & Garden UK, Southern Living Magazine, and was even seen in a current nationally aired Domino's Pizza commercial. See **Exhibit E**. These magazines are read by practically all interior design professionals as well as members of the public interested in interior design.

22. Lotus has been on view via samples and wall installations at 18 Galbraith & Paul interior design showroom partners located in the United States and internationally, as shown in **Exhibit F**, with over 40,000 memo samples of Lotus wallpaper and Lotus fabric distributed per year to interior designers

23. The Lotus design has been used in multiple colorways on wallpaper, fabric, chairs, pillows, drapes, blinds, and on other products. See **Exhibit G**. It has also been used on rugs produced in association with Holland & Sherry, and has been featured in their showrooms, websites, and catalogues.

24. The Lotus design has been sold to over 1000 high-end interior designers, which is the same class of customers to whom Fabricut sells.

25. All copies of the Galbraith & Paul Lotus design have been sold and/or used in conformity with the provisions of the Copyright Laws of the United States.

26. Galbraith & Paul and Fabricut are direct competitors in the high-end interior design marketplace for fabrics, wallpapers and furnishings. Galbraith & Paul markets its Lotus products through high-end interior design showrooms and through the high-end interior designers who shop there. This is a relatively small and select group due to the high costs of the products, and to the restrictive "trade only" distribution channel which further restricts access to products.

27. On information and belief, Defendant Fabricut sells its wholesale textile products to the exact same class of customers, and through the same kind of trade showrooms, as Galbraith & Paul.

28. 14 of the 18 Galbraith & Paul interior design showroom partners are located in the same design center building or design district as a Fabricut showroom. For example, Defendant's Chicago, Illinois showroom is next door to a "Holland & Sherry" showroom, which prominently features Galbraith & Paul's textile products, including textile products bearing the Lotus Design. See **Exhibit H**. It is well known that high-end interior designers walk in and out different showrooms in design centers viewing displays of fabric and wallpaper on "wings" and "boards" collecting memo samples for their clients in order to put together design schemes and project boards. These plans could easily involve a project using both Fabricut and Galbraith & Paul fabrics in a single location.

29. Galbraith & Paul and Fabricut's businesses are certainly interconnected. In fact, 3 of Galbraith & Paul's regular customers have designed licensed current collections for Fabricut and its subsidiaries.

30. Defendant Fabricut has infringed Plaintiff's copyright rights by providing, advertising, displaying, causing the manufacture of, importing, and selling the "Patience Medallion" fabric (the "Infringing Fabric"), which is a reproduction of the Galbraith & Paul Lotus design, in violation of Plaintiff's rights under 17 U.S.C. § 106(1) and § 106(3). A reproduction of the Infringing Fabric is enclosed as **Exhibit I**.

31. As reflected in the below chart, the Infringing Fabric bears a design that is an exact reproduction of Galbraith & Paul's original Lotus design.



32. The Infringing Fabric, which used unauthorized reproductions of the Lotus design, was widely viewed on the Internet and in design showrooms by consumers and members of the design trade, including consumers and persons in said trade throughout the United States.

33. Defendant Fabricut purchased the Infringing Fabric and arranged for the importation of this fabric into the United States without authorization from Galbraith & Paul.

34. On information and belief, Defendant Fabricut, having showrooms in close proximity to showrooms featuring Galbraith & Paul's Lotus design, and being direct competitors of Galbraith & Paul, were aware of Galbraith & Paul's Lotus design, which is Plaintiff's most popular and well publicized design, prior to the time that they began providing, advertising, displaying, causing the manufacture of, importing, and selling the Infringing Fabric.

35. On information and belief, Defendant Fabricut negligently failed to conduct due diligence as to the true ownership of this design, prior to the time it purchased the Infringing Fabric.

36. On information and belief, Defendant Fabricut marketed and sold the Infringing Fabric throughout the United States.

37. On information and belief, textile products sold by Fabricut are mass-produced overseas, including in India, in stark contrast to Galbraith & Paul's hand-block printed textiles and studio printed wallpaper, which is made exclusively in Plaintiff's Philadelphia, Pennsylvania showroom.

38. On information and belief, Defendant Fabricut sold the Infringing Fabric at a significantly lower price point than that of the Lotus fabric sold by Plaintiff.

39. Plaintiff provided Defendant Fabricut notice of its rights, as per a notice letter sent on August 22, 2016, attached hereto as **Exhibit J** (exhibits to said letter have been omitted). A copy of this letter was also hand-delivered to Fabricut's showroom located in New York, New York on August 23, 2016.

40. Despite receiving notice of Plaintiff's rights in the Lotus design, Defendant Fabricut has continued to advertise, display, and offer for sale the Patience Medallion

Fabric. Internet printouts from the Fabricut website, <www.fabricut.com>, dated September 9, 2016, showing Defendant's continued infringing activities after receiving notice of the same, is enclosed as **Exhibit K**.

41. In addition, Defendant Fabricut continued to display the Patience Medallion in its New York showroom as of September 29, 2016 (see **Exhibit L**) and in its Chicago showroom as of October 18, 2016 (see **Exhibit M**), several weeks after receiving notice of its infringement.

42. Defendant Fabricut's activities have caused harm to Plaintiff, and Fabricut has profited from the foregoing acts of infringement. As a result of Fabricut's wrongful activities, unauthorized copies of the Lotus design were seen on the internet and in design showrooms, without credit to Galbraith & Paul, undermining Galbraith & Paul's design exclusivity. The Infringing Fabric is being sold to the exact same class of customers, and through the same kind of trade showrooms, as Galbraith & Paul's Lotus fabric at a presumably lower price point than Plaintiff's high-end Lotus fabric, further endangering Galbraith & Paul's rights of design exclusivity and posing a direct threat to its business.

43. All of the acts of Defendant Fabricut as set forth in the preceding paragraphs were undertaken without the permission, license, or consent of Galbraith & Paul, and are irreparably damaging to Galbraith & Paul and its reputation for design exclusivity.

COUNT II

(United States Copyright Infringement by

Defendants John Doe Entities 1 Through 10)

44. Plaintiff realleges Paragraphs 1 through 43 as if fully set forth herein.

45. On information and belief, Defendant Fabricut sold the Infringing Fabric to John Doe Entities 1 through 10.

46. On information and belief, John Doe Entities 1 through 10 distributed, displayed, offered for sale and/or sold such fabric to consumers, interior designers, and others in the trade.

47. The activities of John Doe Entities 1 through 10 have caused harm to Plaintiff, and these Defendants have profited from the foregoing acts of infringement. Upon information and belief, as a result of these Defendants' wrongful activities, unauthorized copies of the Lotus design were seen on the internet and in design showrooms, without credit to Galbraith & Paul, undermining Galbraith & Paul's design exclusivity. Upon information and belief, the Infringing Fabric is being sold to the exact same class of customers, and through the same kind of trade showrooms, as Galbraith & Paul's Lotus fabric at a presumably lower price point than Plaintiff's high-end Lotus fabric, further endangering Galbraith & Paul's rights of design exclusivity and posing a direct threat to its business.

48. All of the acts of John Doe Entities 1 through 10 as set forth in the preceding paragraphs were undertaken without the permission, license, or consent of Galbraith & Paul, and are irreparably damaging to Galbraith & Paul and its reputation for design exclusivity.

DAMAGES

49. Plaintiff has been damaged by the acts of the Defendants in an amount as yet unknown, but Plaintiff demands the maximum monetary damages available under U.S. copyright law in an amount of at least \$250,000.

50. Plaintiff and Defendants both market their textile products to the same class of customers, primarily interior designers, through design showrooms which are generally located in close proximity. Therefore, sales of the Infringing Fabric by Defendants would cause a commensurate loss of sales by Plaintiff of fabric bearing its Lotus design.

51. Defendants' advertising, display, offering for sale, and sale of the Infringing Fabric is causing direct harm to Plaintiff's right of design exclusivity in its Lotus design, and unless such infringing activity is halted immediately, Plaintiff's losses may exceed \$1,000,000.

WHEREFORE, Plaintiff demands:

A. That Defendants, their agents, servants, related companies, and all parties in privity with them, or any one of them, be enjoined preliminarily and **permanently** from infringing Plaintiff's copyright rights in the Lotus design by: manufacturing, causing the manufacture of, displaying, distributing, selling, importing, promoting and/or advertising the Infringing Fabric, or any other products that contain a design substantially similar to Plaintiff's Lotus design;

B. That Defendants be required to deliver up to be impounded during the pendency of this action the Infringing Fabric, and all products bearing a design

substantially similar to Plaintiff's copyrighted Lotus design;

C. That Defendants recall any inventory of the Accused Fabric currently in the possession of resellers, designers, or other third-party vendors which acquired said fabric from Defendants;

D. That Defendants be required to pay Plaintiff such damages as Plaintiff has sustained as a consequence of Defendants' infringement, and to account for all gains, profits and advantages derived by Defendants from said infringement, and that such award for damages be trebled due to the willful and wanton nature thereof;

E. That Defendants be responsible for enhanced statutory damages due to the willful nature of their infringement;

F. That Defendants pay Plaintiff for its costs of this action and for Plaintiff's reasonable attorneys' fees, as the Court may allow Plaintiff.

G. That Plaintiff be granted such other and further relief as the Court may deem just.

JURY DEMAND

Plaintiff demands a trial by jury.

GOTTLIEB, RACKMAN & REISMAN, P.C.
Attorneys for Plaintiff
270 Madison Avenue, 8th Floor
New York, New York 10016-0601
(212) 684-3900

By:



George Gottlieb (GG 5761)
Michael Nesheiwat (MN 0453)

Dated: New York, New York
October 20, 2016

EXHIBIT A

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Maria A. Pallante

Register of Copyrights, United States of America

Registration Number
VA 1-827-880

Effective date of
registration:
March 28, 2012

Title

Title of Work: Lotus

Completion/Publication

Year of Completion: 2012

Date of 1st Publication: February 1, 2012

Nation of 1st Publication: United States

Author

■ Author: Galbraith & Paul Inc.

Author Created: 2-D artwork

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

Copyright claimant

Copyright Claimant: Galbraith & Paul Inc.

116 Shurs Lane, Philadelphia, PA, 19127, United States

Rights and Permissions

Organization Name: Galbraith & Paul

Name: Ephraim Paul

Telephone: 215-508-0800

Address: 116 Shurs Lane

Philadelphia, PA 19127 United States

Certification

Name: Ephraim Paul

Date: March 2, 2012

Registration #: VA0001827880

Service Request #: 1-733027601



**Galbraith & Paul Inc.
Ephraim Paul
116 Shurs Lane
Philadelphia, PA 19127 United States**

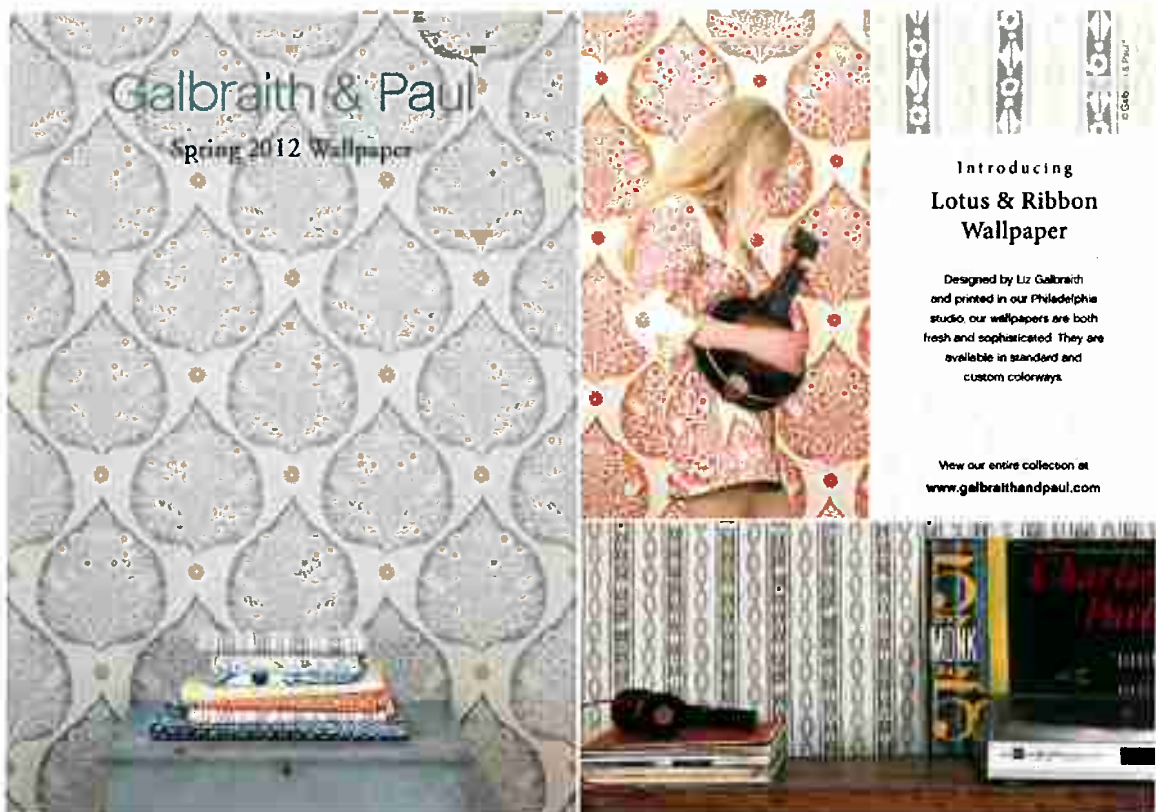
EXHIBIT B



EXHIBIT C

Galbraith & Paul

Lotus Marketing and Postcards



Galbraith & Paul

Lotus Marketing and Postcards



Showroom Postcard



Fall 2014 Trifold Postcard - New Lotus Colorways

Galbraith & Paul

Lotus Marketing and Postcards



Rug Collection Trifold - 2015

Galbraith & Paul

Lotus Marketing and Postcards



EXHIBIT D

Galbraith & Paul

Lotus Online Product Presence

FABRICS PRODUCTS INTERIORS INSTALLATIONS ABOUT US

HOLLAND & SHERRY

Products / Rugs / Collections / Galbraith & Paul

Lotus

Product Code: HSGP05A

[VIEW LOOKBOOK](#)

[f](#) [p](#)

BROWSE THE COLLECTION

[HSGP05A](#)
[HSGP05A2](#)
[HSGP05B](#)
[HSGP05D](#)
[HSGP05K](#)
[HSGP05L](#)
[HSGP205I](#)
[HSGP205D](#)
[HSGP205H](#)
[HSGP205J](#)

Holland & Sherry Website - Lotus Rug Pattern Page

← C www.desousahughes.com/ta/wallcoverings/GalbraithandPaul ☆ ⓘ ⋮

Galbraith and Paul

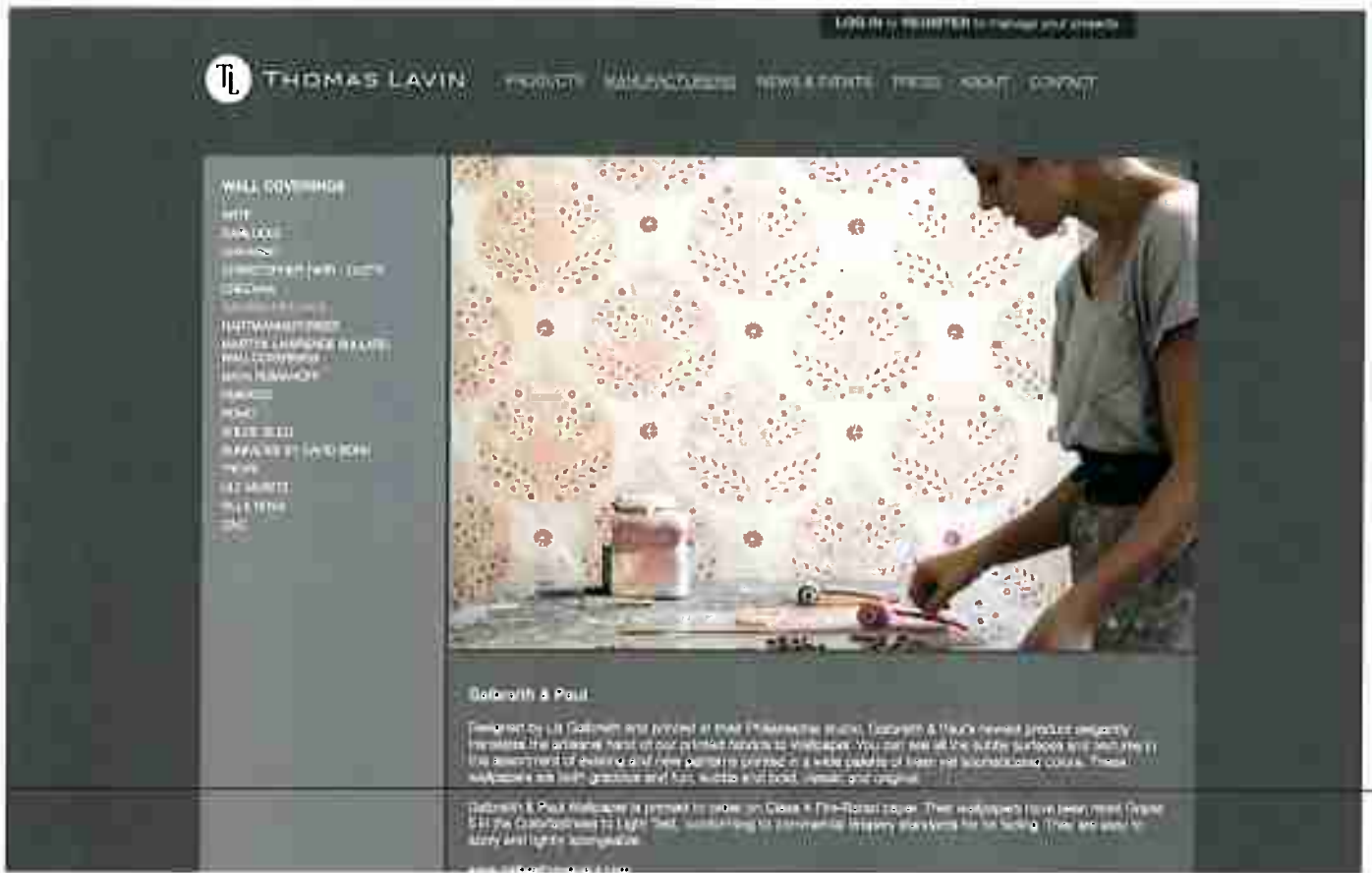
Galbraith and Paul is a Philadelphia studio specializing in hand block printed textiles, handmade rugs, and studio printed wallpaper. Designed by Liz Galbraith all of our products are made to order and capable of being customized. Our studio is the soul of our business, where artisans work together to create for us a in a subtle and elegant spirit all their own. With our textiles, rugs and wallpaper, we are dedicated to the studio workshop tradition involving in original and unexpected work.

galbraithandpaul.com

[Lotus](#)
[Bellflower / Flame](#)
[Fall 2018 Collection](#)
[Fall 2018 Collection](#)

Galbraith & Paul

Lotus Online Product Presence



← C www.thomaslavin.com/manufacturers/textiles/galbraith-paul/



Galbraith & Paul

Lotus Online Product Presence



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Galbraith & Paul

Made in Philadelphia, seen throughout the world. Designed with an artist's eye, made with a craftsman's hands

Dedicated to the Studio Workshop tradition and evolved in original and unexpected ways

Galbraith & Paul wallpapers are available exclusively in Australia through Tigger Hall Design

[Supplier website](#)



Tigger Hall Design Website



Studio 534 Website

EXHIBIT E

Galbraith & Paul

Lotus Press



for which Thorp has been commissioned to create a new-build house and garden landscaping. She has recently completed the design, construction and decoration of a holiday home in the Hamptons, plus a substantial house in Dulwich with a quarter-mile long garden. Precisely because she has overseas projects, Philippa travels constantly. "That is because I am a control freak," she laughs. "I set the bar high and I want everyone to jump over it."

Moving to new premises has, she thinks, provided a clear road ahead. "Everyone on the design team is in a better place, physically and emotionally." The offices are housed in an imposing 1830s building that was, appropriately enough, a furniture repository for wealthy London families. With its grand proportions, it certainly provides an inspiring template. Philippa loves to maximise volume, she is six foot tall herself and is adept at cramming bespoke storage into every spare centimetre. Her favourite design trick is to raise door heights. "I've specified 2.4 metre high doors for the holiday home in Devon," she says, getting out a scarlet fine-liner and sketching in a lime leather notebook. "The doors have a barn-like vernacular, but the height makes them contemporary."

She is a truly decisive designer, claiming that the second she walks onto a job, she knows "immediately" what to do and rarely varying from the original plan. Her priority is to make clients feel comfortable in the space. "Buildings only exist because of humans," she says. "So they should be nurturing, emotional places, too." }

*Thorp, 19 Motcomb Street, London SW1X 8LB,
020 7235 7808, thorp.co.uk*



Galbraith & Paul

Lotus Press



Galbraith & Paul

Lotus Press



JANUARY 2013 HOUSE & GARDEN 000

Galbraith & Paul

Lotus Press



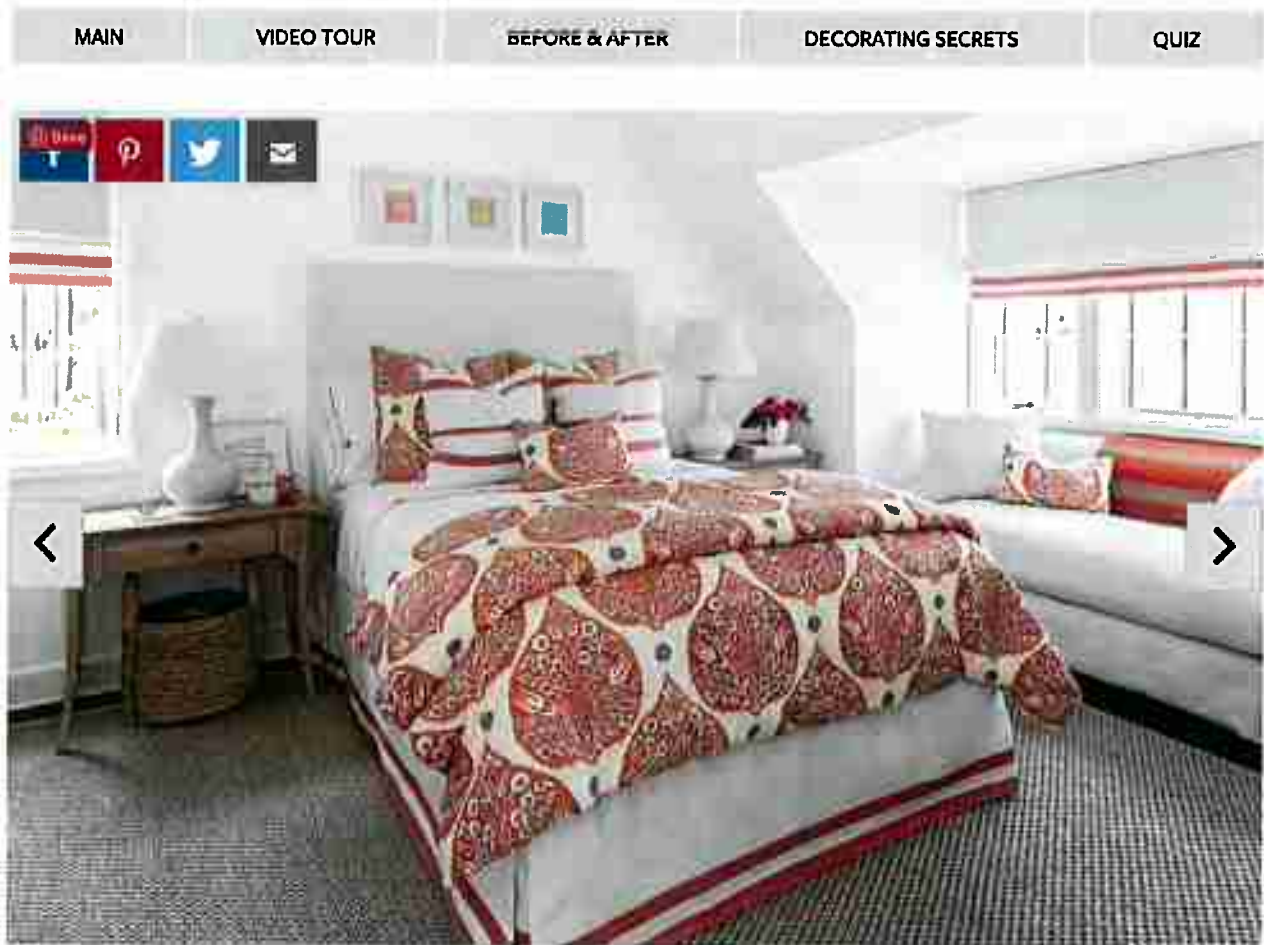
Connecticut Cottages & Gardens Magazine, April 2013

Galbraith & Paul

Lotus Press

Palmetto Bluff Idea House

Immerse yourself in Lowcountry style with photo tours, room-by-room video tours, decorating secrets, and more straight from our Palmetto Bluff Idea House.



Kids' Bedrooms: The Girl's Room

23 / 34

Citrusy splashes of pink and orange adorn this room, courtesy of Galbraith & Paul's Lotus fabric in Rhubarb. "It is sophisticated but will appeal to any age," Suzanne says. "In kids' rooms, it's key to pick a fabric that allows whoever will be in the space to add their own personal touches. It needs to evolve with them over time." Although this pattern has several hues to pull from, Suzanne practiced her signature restrained use of color and simply ribboned pink accents throughout the room: on the sheets, bed skirt, and windows. A simple, square-shaped headboard, directed by the room's angular architecture, and a matching pair of natural wood bedside tables complement the space. Above the bed, Suzanne hung a row of artwork for a final burst of color.

Lotus Press

OFF THE WALL

By Florence Rolfe | 24 AUGUST 2015



From floral to geometric, Florence Rolfe's selection of bold, patterned wallcoverings will freshen up any room



Galbraith & Paul

Lotus Press



Galbraith & Paul

Lotus Press

<https://www.youtube.com/watch?v=VDXIP2jVHLw>



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71 23

Galbraith & Paul

Lotus Press



EXHIBIT F

Galbraith & Paul

Lotus Showroom Installations



Galbraith & Paul

Lotus Showroom Installations



De Sousa Houghes, San Francisco Showroom

Galbraith & Paul

Lotus Showroom Installations



Galbraith & Paul

Lotus Showroom Installations



Galbraith & Paul

Lotus Showroom Installations



Galbraith & Paul

Lotus Showroom Installations



Holland & Sherry, Chicago Showroom

Galbraith & Paul

Lotus Showroom Display

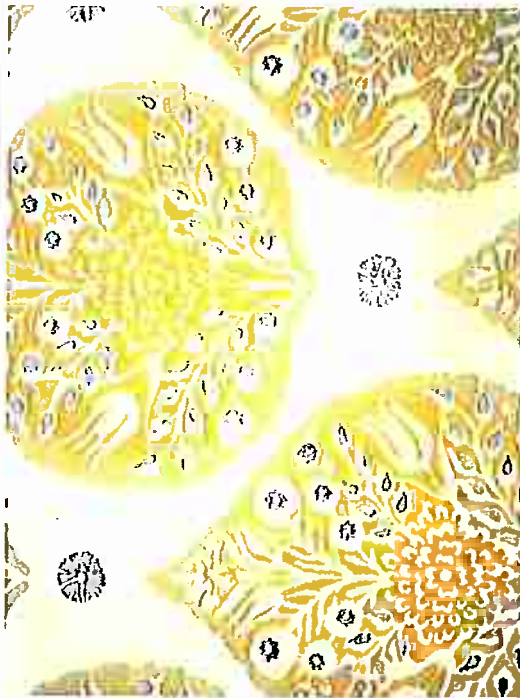


EXHIBIT G

Galbraith & Paul

Fabric

fabric home
patterns
colors
grounds
showrooms



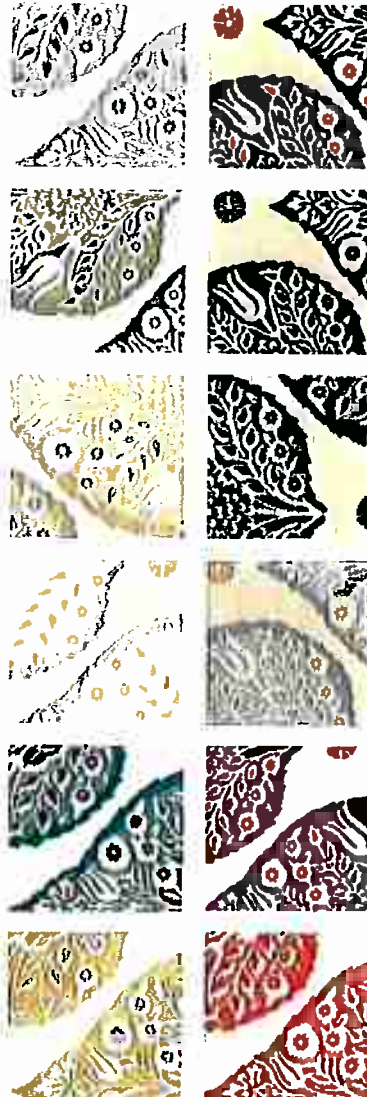
Lotus

Width: 54"
Repeats: 18" x 17 1/2"
Pictured in Spirit

12 Standard Colorways
Schematic



Colorways



Join our mailing list

Galbraith & Paul
116 Shure Lane
Philadelphia, PA 19137
(215) 508-0800

Fabric
Custom
Rugs
About Us

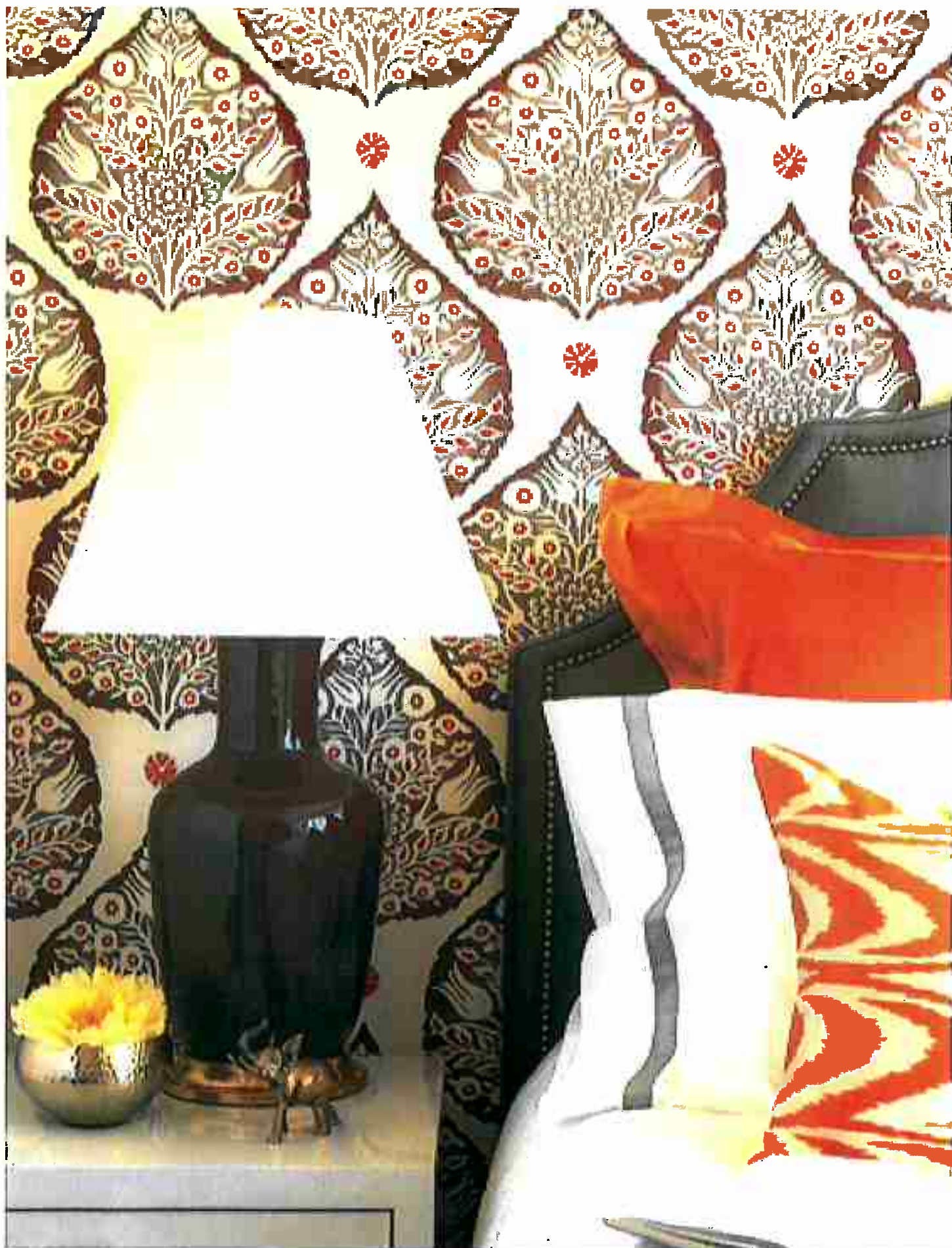
Wallpaper
Installations
How to Buy
Contact Us

Made in Philadelphia
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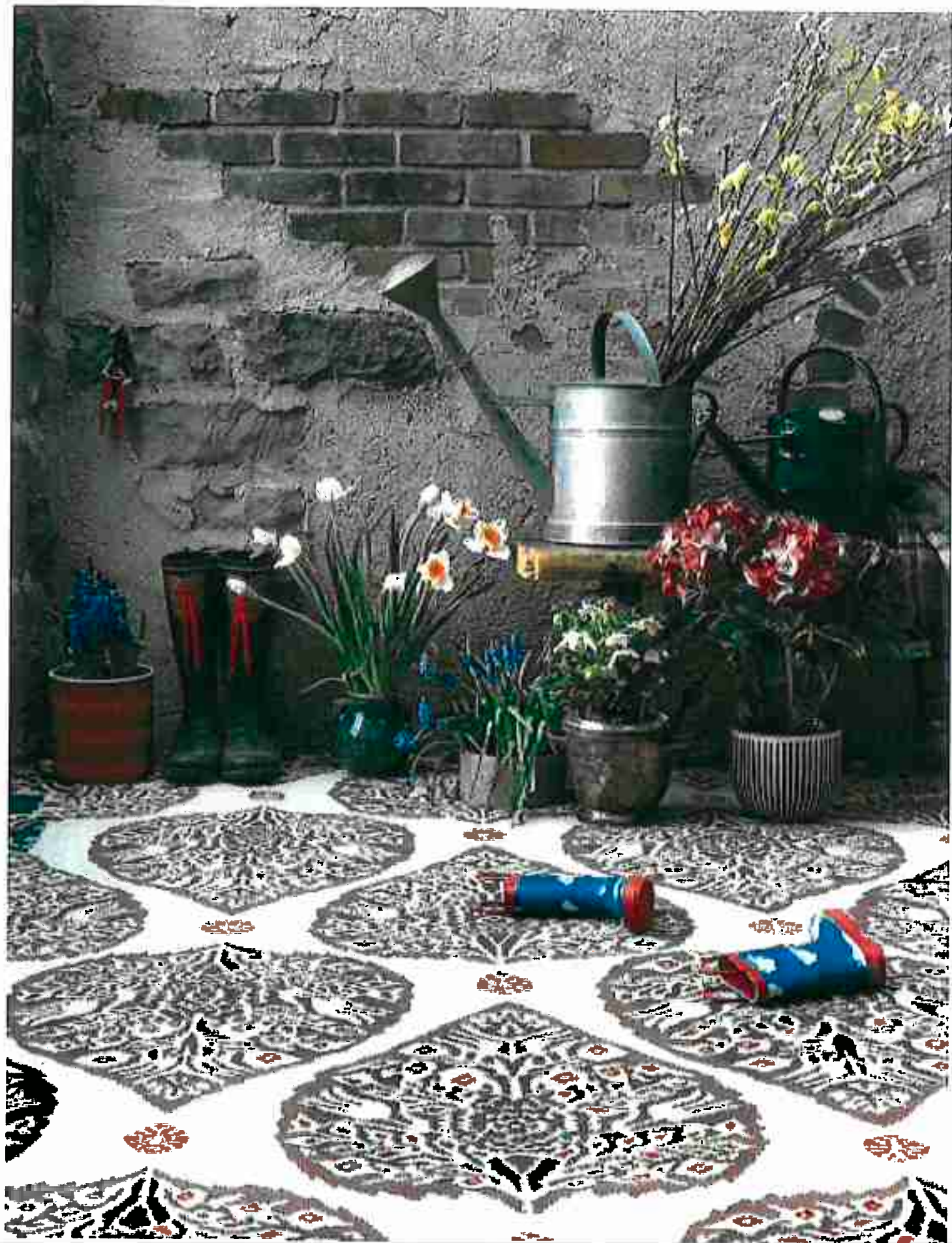
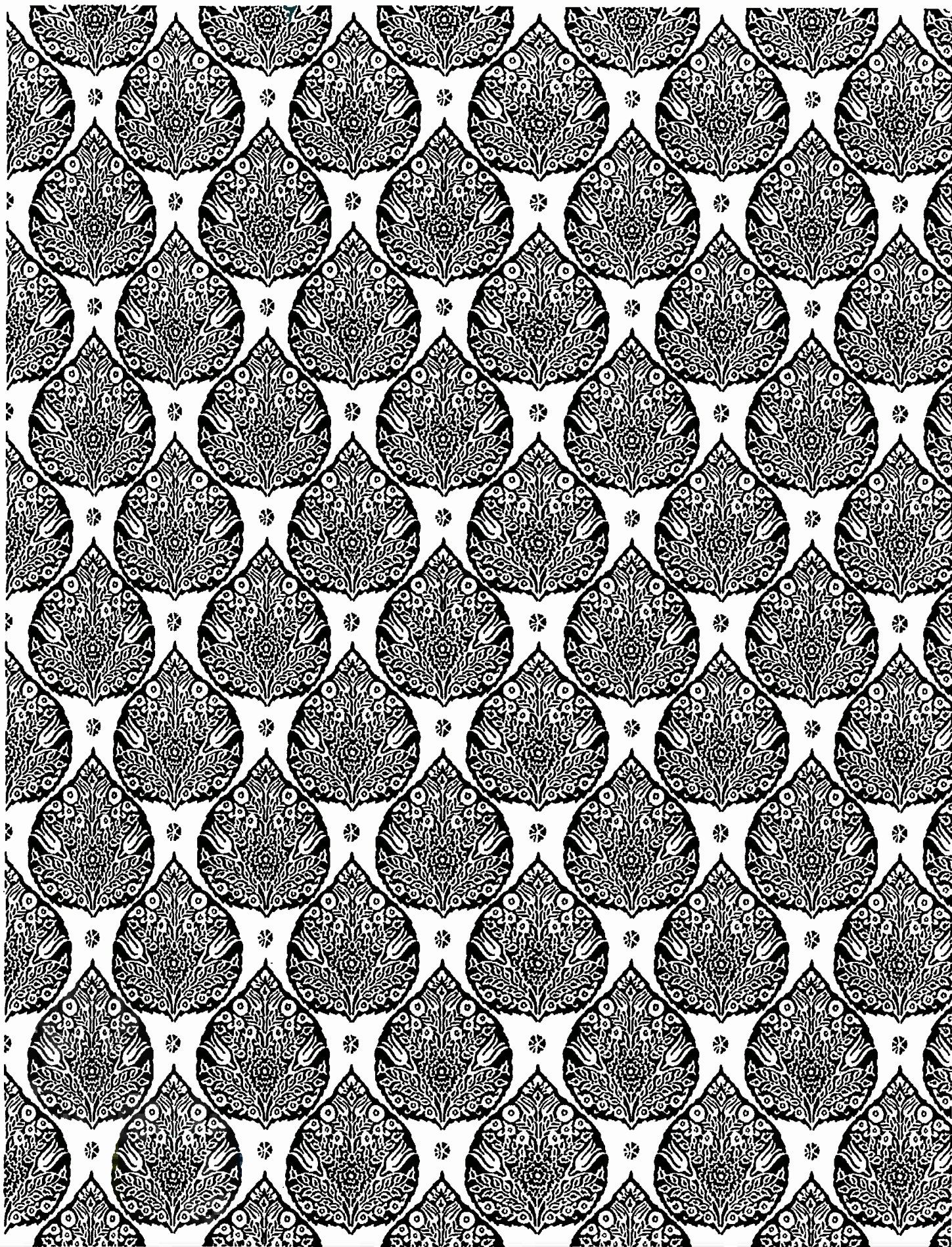


EXHIBIT H



EXHIBIT I



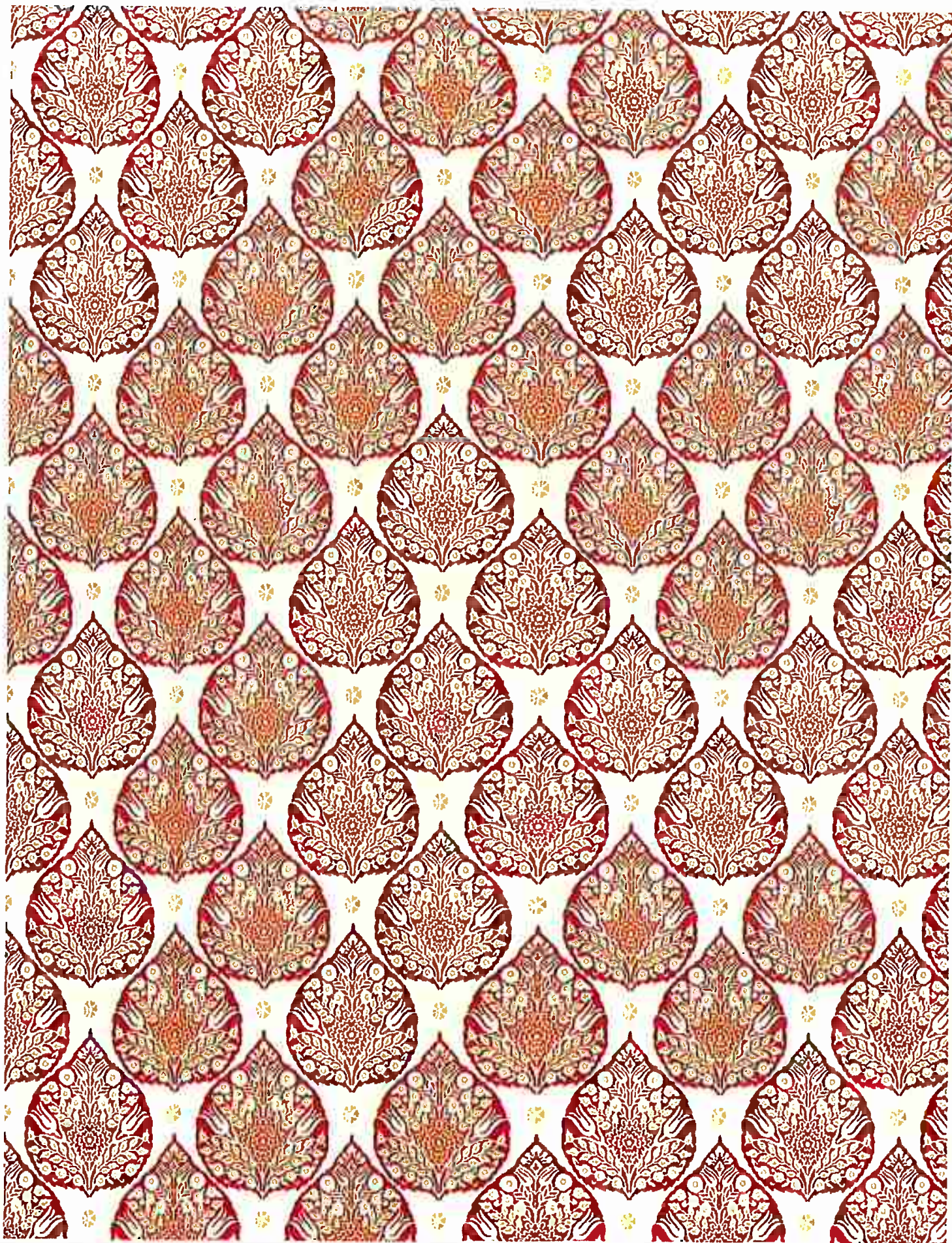


EXHIBIT J

GOTTLIEB, RACKMAN & REISMAN, P.C.

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TIBERIU WEISZ
SILVIA SALVADORI

August 22, 2016

VIA FEDERAL EXPRESS

David Finer, Chief Executive Officer
Fabricut, Inc.
9303 E. 46th St.
Tulsa, OK 74145

Re: **Galbraith & Paul, Inc. - Infringement of "Lotus" design by Fabricut**

Dear Mr. Finer,

Our firm represents Galbraith & Paul, Inc., a Philadelphia, Pennsylvania, company, which is a well-known designer and manufacturer of textile products sold throughout the United States and internationally. Our client regularly protects its designs by copyright on a world-wide basis.

Our client is the exclusive owner of the textile design "Lotus." This design is the subject of a registered copyright, U.S. Copyright Registration Number VA 1-827-880, registered on March 28, 2012, a copy of which is attached as Exhibit A. A reproduction of our client's Lotus design is attached as Exhibit B.

The "Lotus" pattern is widely used and promoted. It is used, for example, on Galbraith & Paul's fabric, wallpaper, lighting, pillows, and rugs. It is on permanent display in high-end showrooms to the trade throughout the United States and the entire world and is available in several colorways and several applications in a variety of settings as shown in Exhibit C. The "Lotus" design has also been featured in numerous publications, including House Beautiful, British House & Garden, Connecticut Cottages & Gardens, Interior Design Magazine, and Southern Living, as shown in Exhibit D.

David Finer, Chief Executive Officer
Fabricut, Inc.
August 22, 2016
Page 2

It has been brought to our client's attention that your company, Fabricut, Inc., has been advertising, promoting, offering for sale, and selling a fabric under the name "Patience Medallion" (the "Infringing Fabric") which bears a design which is a copy of our client's "Lotus" design. Internet printouts showing the sale of the Infringing Fabric, in multiple colorways, on your company's website <www.fabricut.com> is enclosed as Exhibit E.

A comparison of the design of the Infringing Fabric and our client's "Lotus" design reveals that these designs are strikingly similar, and a comparison of the two designs demonstrates that the "pattern" of the Infringing Fabric was copied from the pattern of our client's "Lotus" fabric. Fabrics and products bearing these respective designs would look essentially identical to the ordinary observer.

In addition, the Infringing Fabric will be sold to the exact same class of customers, and through the same kind of trade showrooms, as our client's "Lotus" fabric. This Infringing Fabric will also presumably be sold at a lower price point than our client's high-end "Lotus" fabric, further endangering our client's rights of design exclusivity and posing a direct threat to our client's business.

This is to notify you that your company's manufacture, promotion and sale of this Infringing Fabric, which contains a design that is substantially identical to the copyrighted "Lotus" design of our client, is a violation of our client's copyright rights under United States copyright law.

We call upon your company to forthwith cease and desist from any act of copyright infringement and unfair competition. Specifically, on behalf of our client, we demand that your company:

1. **Immediately** stop the manufacture, advertising, promotion, display and sale of the Infringing Fabric, or any other fabric or product featuring the "Lotus" design, and recall any such fabric or product not currently in your possession;
2. Inform us of any and all sales made to date of the Infringing Fabric, or any other fabric or product featuring the "Lotus" design, and provide us with all documents related to such sales, including documents identifying all purchasers of such fabric or product;

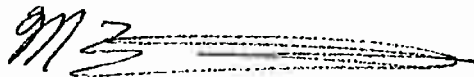
David Finer, Chief Executive Officer
Fabricut, Inc.
August 22, 2016
Page 3

3. Provide us with the contact information of any manufacturers and/or suppliers which provided your company with the Infringing Fabric, or any other fabric or product featuring the "Lotus" design; and

4. Account for all profits earned due to these infringing activities.

Your company's continued activities in this regard are causing irreparable injury to our client's sales and reputation for exclusivity of design. We therefore request that you or your attorney inform us by not later **August 26, 2016 at 12:00pm EST** that your company will comply with our demands. Unless our demands are met prior to this deadline, our client has already authorized us to file a complaint for copyright infringement in the Federal Courts of the Southern District of New York.

Very truly yours,
GOTTLIEB, RACKMAN & REISMAN, P.C.

A handwritten signature in dark ink, appearing to be 'MG' followed by a long horizontal stroke.

George Gottlieb
Michael Nesheiwat

GG/MN

Encl.

Cc: Fabricut Showroom (via Federal Express)

c/o Manager

979 Third Ave, Suite 915

New York, NY 10022

Cc: Galbraith & Paul, Inc. (via email)

EXHIBIT K

9/9/2016

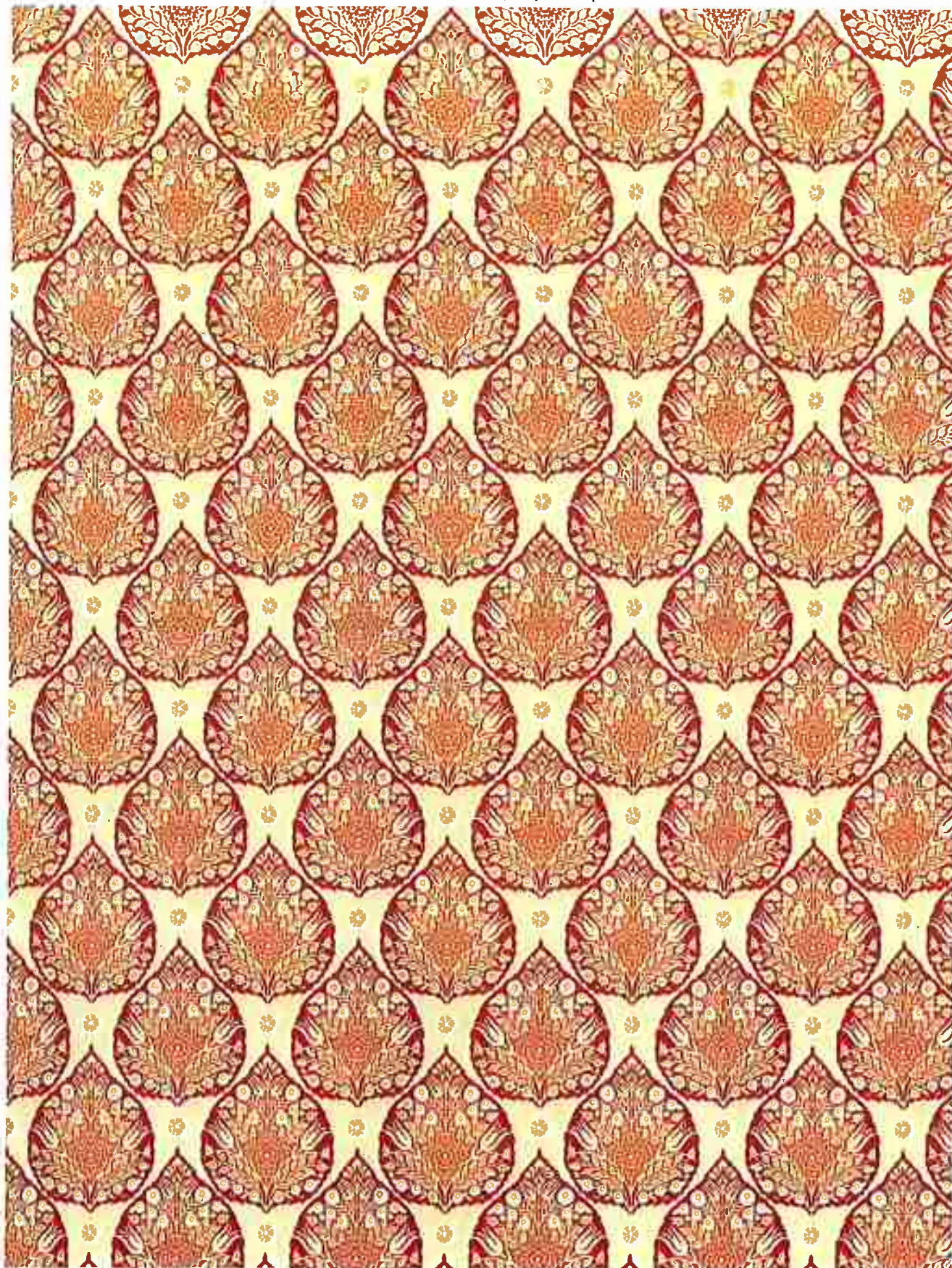
Patience Medallion Spice | Fabric | Fabricut

FABRICUT

Fabrics Trimmings Hardware Wallcovering Finished Products Licensed Collections Fabricut Contract

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Patience Medallion Spice

Other colors available:


Brand

Fabricut

Application

Fabric

Book

Chromatics Vol. XXIV Guava

Width

54.00 in (137.16 cm)

Vertical Repeat

15.00 in (38.10 cm)

Horizontal Repeat

13.00 in (33.02 cm)

Fire Codes

None

Categories

Prints, Linen

Design Types

Leaves, Print Pattern, Medallion

Double Rubs

Exceeds 10,000 Double Rubs (Wyzenbeek Method)

Country

India

Content

65% Linen, 35% Cotton

Collection

Chromatics Vol. XXIV

Date Booked

02/2016

Uses

Bedding, Drapery, Multipurpose

Colors

Orange / Spice

Scale

Large

Railroaded

Not Railroaded

Finish

None

Backing

None

Cleaning Codes

S

Product Number

6449902

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9303 E. 46th St.

Tulsa, OK 74145

(800) 999-8200

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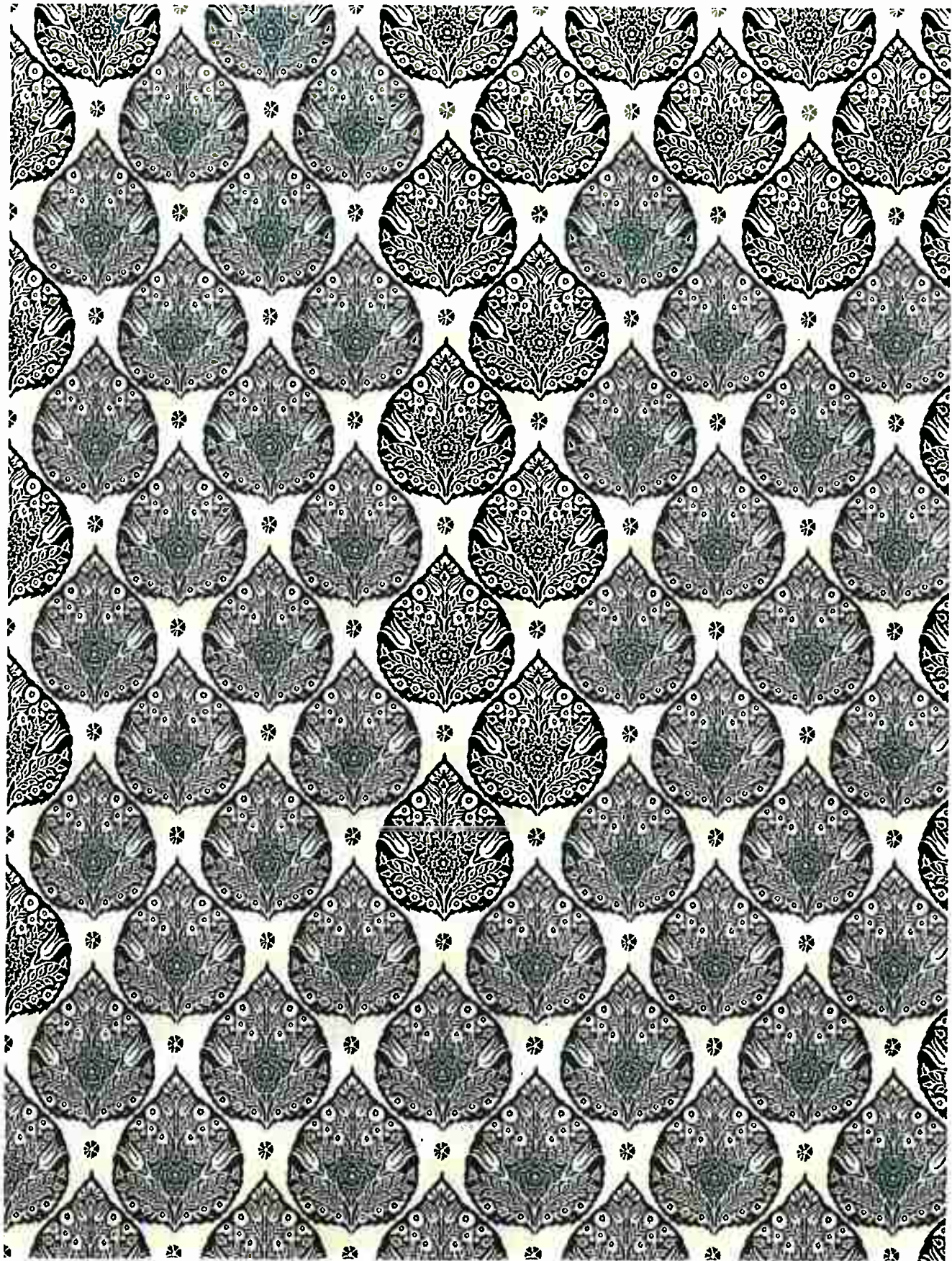
Patience Medallion Royal | Fabric | Fabricut .

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9/9/2016

Patience Medallion Royal | Fabric | Fabricut



Patience Medallion Royal

Other colors available:


Brand

Fabricut

Application

Fabric

Book

Chromatics Vol. XXIV Navy

Width

54.00 in (137.16 cm)

Vertical Repeat

15.00 in (38.10 cm)

Horizontal Repeat

13.00 in (33.02 cm)

Fire Codes

None

Categories

Prints, Linen

Design Types

Leaves, Print Pattern, Medallion

Double Rubs

Exceeds 10,000 Double Rubs (Wyzenbeek Method)

Country

India

Content

65% Linen, 35% Cotton

Collection

Chromatics Vol. XXIV

Date Booked

02/2016

Uses

Bedding, Drapery, Multipurpose

Colors

Blue

Scale

Large

Railroaded

Not Railroaded

Finish

None

Backing

None

Cleaning Codes

S

Product Number

6449901

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EXHIBIT L

**FABRICUT
CHROMATICS
VOL. XXIV
GUAVA**



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EXHIBIT M



